



# PROPOSED RULE MAKING

**CR-102 (June 2004)**

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Department of Health – Board of Physical Therapy

- ☒ Preproposal Statement of Inquiry was filed as WSR 04-07-177 ; or  
☐ Expedited Rule Making--Proposed notice was filed as WSR \_\_\_\_\_; or  
☐ Proposal is exempt under RCW 34.05.310(4).

- ☒ Original Notice  
☐ Supplemental Notice to WSR \_\_\_\_\_  
☐ Continuance of WSR \_\_\_\_\_

Title of rule and other identifying information: (Describe Subject) WAC 246-915-180 – Professional conduct principles. The proposed changes to the rule prohibit physical therapists from receiving reimbursement for evaluating or treating him or herself. The restriction is necessary to protect the public from excessive charging and an over-utilization of physical therapy services. The proposed rule also requires physical therapists to only delegate physical therapy tasks to trained supportive personnel. The amendment seeks to protect the public from the delegation of physical therapy services to untrained, unskilled, and unqualified individuals.

Hearing location(s): Department of Health  
310 Israel Rd SE  
Room 152  
Tumwater, WA 98501

Submit written comments to:  
Name: Kris Waidely, Program Manager  
Address: 310 Israel Rd SE  
Tumwater, WA 98501  
e-mail [kris.waidely@doh.wa.gov](mailto:kris.waidely@doh.wa.gov)  
fax (360)664-9077 by (date) November 5, 2004

Date: November 16, 2004 Time: 9:30 a.m.

Date of intended adoption: November 16, 2004  
(Note: This is NOT the effective date)

Assistance for persons with disabilities: Contact  
Kris Waidely, Program Manager by November 5, 2004  
TTY (800) 833-6388 or (360) 236-4847

Purpose of the proposal and its anticipated effects, including any changes in existing rules: Under RCW 18.74.023, the Board of Physical Therapy is empowered to adopt rules relating to standards of appropriateness of physical therapy care. The proposed rule protects the public from excessive charging and over-utilization of physical therapy services and protects the public from the delegation of physical therapy services to untrained, unskilled and unqualified individuals.

Reasons supporting proposal: By limiting the definition of a "physical therapist assistant" to those who have training as a physical therapist assistant and by requiring the physical therapist to only delegate services to individuals who meet the definition of trained supportive personnel, the Board believes the public is reasonably protected. The proposed rule also addresses the concerns of professional conduct by adding an additional requirement "physical therapists shall not receive reimbursement for evaluating or treating him or herself".

Statutory authority for adoption: RCW 18.74.023

Statute being implemented: RCW 18.74.023 and 18.130.050(12)

Is rule necessary because of a:

- Federal Law? ☐ Yes ☒ No  
Federal Court Decision? ☐ Yes ☒ No  
State Court Decision? ☐ Yes ☒ No  
If yes, CITATION:

DATE

August 30, 2004

NAME (type or print)

Kris Waidely

SIGNATURE

*Kris Waidely*

TITLE

Program Manager

**CODE REVISER USE ONLY**

CODE REVISER'S OFFICE STATE OF WASHINGTON FILED	
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(COMPLETE REVERSE SIDE)

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

None

Name of proponent: (person or organization) Department of Health

- ☐ Private  
☐ Public  
☒ Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting..... Kris Waidely, Program Manager	310 Israel Rd SE, Tumwater, WA 98501	(360) 236-4847
Implementation.... Kris Waidely, Program Manager	310 Israel Rd SE, Tumwater, WA 98501	(360) 236-4847
Enforcement..... Kris Waidely, Program Manager	310 Israel Rd SE, Tumwater, WA 98501	(360) 236-4847

Has a small business economic impact statement been prepared under chapter 19.85 RCW?

☐ Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name: Kris Waidely  
Address: PO Box 47868  
Olympia, WA 98504-7868

phone (360) 236-4847  
fax (360) 664-9077  
e-mail [kris.waidely@doh.wa.gov](mailto:kris.waidely@doh.wa.gov)

☒ No. Explain why no statement was prepared.

An SBEIS is not required because the cost to implement the proposed rules does not exceed the threshold. The more than minimum cost threshold from "804 Office of Clinics and Other Healthcare Practitioners" is set at \$110.00.

Is a cost-benefit analysis required under RCW 34.05.328?

☒ Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name: Kris Waidely  
Address: PO Box 47868  
Olympia, WA 98504-7868

phone (360) 236-4847  
fax (360) 664-9077  
e-mail [kris.waidely@doh.wa.gov](mailto:kris.waidely@doh.wa.gov)

☐ No: Please explain:

AMENDATORY SECTION (Amending Order 259B, filed 3/24/92, effective 4/24/92)

**WAC 246-915-180 Professional conduct principles.** (1) The patient's lawful consent is to be obtained before any information related to the patient is released, except to the consulting or referring authorized health care practitioner and/or authorized governmental agency(s).

(a) Physical therapists are responsible for answering legitimate inquiries regarding a patient's physical dysfunction and treatment progress, and

(b) Information is to be provided to insurance companies for billing purposes only.

(2) Physical therapists are not to compensate or to give anything of value to a representative of the press, radio, television, or other communication medium in anticipation of, or in return for, professional publicity in a news item. A paid advertisement is to be identified as such unless it is apparent from the context it is a paid advertisement.

(3) It is the licensee's responsibility to report any unprofessional, incompetent or illegal acts ((which)) that are in violation of chapter 18.74 RCW or any rules established by the board.

(4) It is the licensee's responsibility to recognize the boundaries of his or her own professional competencies and that he or she uses only those in which he or she can prove training and experience.

(5) Physical therapists shall recognize the need for continuing education and shall be open to new procedures and changes.

(6) It is the licensee's responsibility to represent his or her academic credentials in a way that is not misleading to the public.

(7) It is the responsibility of the physical therapist to refrain from undertaking any activity in which his or her personal problems are likely to lead to inadequate performance or harm to a client and/or colleague.

(8) A physical therapist shall not use or allow to be used any form of public communication or advertising connected with his or her profession or in his or her professional capacity as a physical therapist which:

(a) Is false, fraudulent, deceptive, or misleading;

(b) Uses testimonials;

(c) Guarantees any treatment or result;

(d) Makes claims of professional superiority.

(9) Physical therapists are to recognize that each individual is different from all other individuals and to be tolerant of and

responsive to those differences.

(10) Physical therapists shall not receive reimbursement for evaluating or treating him or herself.

(11) Physical therapists shall only delegate physical therapy tasks to trained supportive personnel as defined in WAC 246-915-010 (4)(a) and (b).